

Chapter 18.48

COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS

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18.48.010 Purpose of provisions.

The performance standards established in this chapter apply in all commercial, industrial, theme unit development and planned unit development zoning districts, and are intended to assure that all commercial and industrial operations carried out in the city are conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety and general welfare. (Ord. 559 N.S. § A (part), 1981)

18.48.020 Specific conditions and substances prohibited.

No land or building shall be used or occupied in any manner so as to create any:

- A. Dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard;
- B. Noise or vibration, smoke, dust, odor or other form of air pollution;
- C. Heat, cold, dampness, electrical, or other disturbance;
- D. Glare;
- E. Liquid or solid refuse or wastes; or
- F. Other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises. (Ord. 559 N.S. § A (part), 1981)

18.48.030 Standards applicable generally.

The following performance standards set out in Sections 18.48.030 through 18.48.130 shall apply to all uses of property in the commercial and industrial zoning districts specified in Section 18.48.010. (Ord. 559 N.S. § A (part), 1981)

18.48.040 Air pollution.

All uses shall conform with standards established by the San Francisco Bay Area Air Quality Maintenance District adopted herein by reference. (Ord. 559 N.S. § A (part), 1981)

18.48.045 Convenience markets.

The purpose of the following provisions are to ensure the compatibility of convenience markets with neighboring commercial and residential land uses with respect to potential negative impacts; and to maximize crime prevention for new proposed convenience markets by encouraging and promoting employee safety and minimization of other related effects of crime upon the community.

A. Separation Distances Between Convenience Markets. No convenience market approved under the provisions of this chapter shall be located less than one thousand feet from an existing or approved convenience market, as measured in straight-line distance between the exterior walls of the market structures. The following exception to the 1000 ft. separation requirement may be approved:

1. One convenience market (regardless of size) may be allowed per quadrant of the interchange of Highway 101 and Dunne Ave., Tennant Ave., and Cochrane Rd.

2. Convenience markets which contain 300 sq. ft. or less of area devoted to sales and display.

B. Separation Distance From Schools. No convenience market approved under the provisions of this chapter shall be located less than one thousand feet from the boundary of an existing school, or proposed school site as designated by the school district's board of education.

C. Requirements for Restrooms and Automotive Services.

Convenience markets which also dispense automotive fuels for retail sale shall provide, the following additional services without charge:

1. One restroom for women and one restroom for men. Said restrooms shall be provided and continuously be maintained for the use by customers and employees. If restroom entrances open directly to the outside of the building, the restroom entrances shall be screened from public view.

2. Hoses conveying air and water for the service of automotive vehicles. Said hoses and associated machinery shall be continuously maintained in an accessible location as approved by the planning division.

D. Loiter Control.

1. Public pay telephones provided on the exterior of the building or anywhere on the site of the convenience market shall not allow for incoming calls. Public telephones with incoming call ability may be allowed interior to the building.

2. No video games may be installed or operational on the premises of the convenience market.

3. Any other measures as recommended and approved through the Conditional Use Permit process by the Police Department to control loitering.

E. Crime Prevention Measures.

1. The exterior of the premises, including adjacent public sidewalks and all parking, throughways and alleys under the control of the owner/operator of the convenience market shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, said illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.

2. Commercial alarm systems and video security cameras shall be installed and maintained within the building to the specifications of the Police Department as recommended and approved through the Conditional Use Permit process.

3. Any other crime related measures as recommended and approved through the Conditional Use Permit process by the Police Department which are intended to increase

employee and customer safety and mitigate the costs to the city-provided services for the proposed convenience market.

4. Persons under the age of 18 who are employed in a capacity which allows for selling of alcoholic beverages must be under the continual supervision of a person 21 years of age or older.

F. Concurrent Sale of Alcoholic Beverages and Automotive Fuels. If concurrent sale of alcoholic beverages and automotive fuels are proposed in conjunction with the convenience market use, the following additional requirements shall apply as specified in Section 23790.5 of the Business and Professions Code as it exists or it may be amended:

1. No alcoholic beverages shall be displayed within ten feet of the cash register or front door unless located within a permanently affixed cooler.

2. No display or sale of alcoholic beverages shall be made from an ice tub.

3. No alcoholic beverage advertising shall be located on fuel pump islands and no advertising for alcoholic beverages shall be located on buildings or windows.

4. Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age. (Ord. 1307 N.S. § 9, 1996)

18.48.050 Fire and explosive hazards.

All activities involving storage of flammable or explosive materials shall provide adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment, standard in the industry. Burning of waste materials in open fires is prohibited. (Ord. 559 N.S. § A (part), 1981)

18.48.060 Glare.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of five hundred feet from such establishment or use. This restriction shall not apply to signs otherwise permitted by the provisions of Chapter 18.76 of this title. (Ord. 559 N.S. § A (part), 1981)

18.48.065. Hazardous wastes.

Hazardous materials reprocessing as defined by Section 18.04.218 herein shall be performed only with a conditional use permit and approval consistent with the policies and guidelines

contained in the Santa Clara County hazardous waste management plan or a city-designated equivalent. (Ord. 1215 N.S. § 40, 1995; Ord. 1104 N.S. § 1 (Exh. A)(part), 1992)

18.48.070 Liquid or solid wastes.

A. Discharge of Waste Materials into Ground. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the California Department of Public Health or the Central Coast Water Quality Control Board.

B. Waste Accumulation Aboveground. It is the intent because of the public nuisance created by accumulations of trash enclosures that, whenever such a condition is found to exist on properties subject to the requirements of Section 18.48.160, that compliance with the requirements of that section shall be required. (Ord. 941 N.S. § 6, 1989; Ord. 559 N.S. § A (part), 1981)

18.48.080 Odors.

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the lot line of the establishment or use. There is established as a guide in determining such quantities of offensive odors, Table III, Odor Thresholds, in Chapter 5, Air Pollution Abatement Manual, copyrighted in 1951 by Manufacturing Chemists' Association, Inc. (Ord. 559 N.S. § A (part), 1981)

18.48.085 Outdoor sales and display.

Areas used for outdoor sales and display shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, setbacks, grading, drainage, access to public streets, safety and protective features, lighting, landscaping, screening and the sign ordinance (See Chapter 18.76). (Ord. 1055 N.S. § C (part), 1991)

18.48.087 Motor vehicle repair

All minor and major motor vehicle repair operations shall store all inoperative vehicles, machinery, parts, materials or products within a building or within an enclosed area concealed from the public view or view from adjacent properties by an opaque screen material. (Ord. 1135 § 54, 1993)

18.48.090 Noise.

A. At the lot line of all uses specified in Section 18.48.010, the maximum sound generated by any use shall not exceed seventy to seventy-five db(A) when adjacent uses are industrial or wholesale uses. When adjacent to offices, retail or sensitive industries, the sound level shall be limited to sixty-five to seventy db(A). When uses are adjacent or contiguous to residential, park or institutional uses, the maximum sound level shall not exceed sixty db(A).

B. Excluded from these standards are occasional sounds generated by the movement of railroad equipment, temporary construction activities, or warning devices. (Ord. 559 N.S. § A (part), 1981)

18.48.100 Radioactive or electrical disturbances.

No activities shall be permitted which utilize fissionable or radioactive materials, if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems; and no activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance. (Ord. 559 N.S. § A (part), 1981)

18.48.110 Smoke.

No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted in 1954, except that visible gray smoke of a shade equal to No. 3 on such chart may be emitted for four minutes in any thirty-minute period. (Ord. 559 N.S. § A (part), 1981)

18.48.120 Traffic in excess of carrying capacity.

No use shall generate vehicular traffic which would cause an adjacent arterial or collector road to exceed a traffic-carrying capacity of a Level of Service D in areas at least 50 percent developed without providing appropriate mitigation measures in the form of traffic-control devices, restrictions on hours of operation, or staggered work hours. A level of service "C" standard shall apply as the design criteria for roadway improvements that serve predominately new development. Traffic-generating potential shall be determined by use of Caltrans trip-generation studies or other information acceptable to the director of public works. (Ord 1415 N.S. § 28, 1998; Ord. 559 N.S. § A (part), 1981)

18.48.130 Vibration.

No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use. (Ord. 559 N.S. § A (part), 1981)

18.48.140 Security provisions applicable.

All provisions of the Commercial Security Ordinance shall be required conditions of commercial and industrial development within the city. (Ord. 559 N.S. § A (part), 1981)

18.48.150 Mini-storage facilities.

All mini-storage development shall have adequate on-site supervision as determined by the staff. All mini-storage development shall provide controlled access through the use of a security gate that is operated by a passcard or punch card system, or by a manager. Caretakers units may be conditionally allowed with the approval of a use permit.

No mini-storage facility shall have an individual storage unit that exceeds six hundred square feet in area. Storage shall be limited to "dead goods" only. Outdoor storage of vehicles including cars, boats, motor homes, travel trailers, motorcycles, all-terrain and off-road vehicles is allowed in designated areas only. Designated areas shall be adequately screened from public view, shall be fenced and secured under lock and key. The servicing of equipment or vehicles and the operating of power tools shall be prohibited. The use of a mini-storage facility for flea markets, commercial storage, transfer business, auctions or sales of any type shall be prohibited with the exception of on-site auction of unclaimed or confiscated goods from on-site storage lockers no more

than three (3) times per year, per facility. (Ord. 1186 N.S. § 4, 1994; Ord. 1055 N.S. § C (part), 1991; Ord. 839 N.S. § 3, 1987)

18.48.160 Trash containers.

A. Trash receptacles and enclosures as described in Section 18.74.505 shall be required upon a finding by the community development director that properties subject to these requirements require additional receptacles and enclosures.

B. Where additional trash receptacles and enclosures cannot be provided due to limited on-site parking or landscaping area, the property owner shall be required to increase the frequency of trash collection. (Ord. 1111 N.S. § 26, 1992; Ord. 941 N.S. § 4, 1989)

18.48.170 Locational regulations for adult businesses.

No person shall cause or permit the establishment or continuation of an "adult business" within five hundred feet, as measured in the shortest linear distance on a city zoning map, of a "sensitive use" or "sensitive area" as defined by this title, and from any other "adult business". The establishment of a "sensitive area" or "sensitive use" within five hundred feet of an "adult business" after the lawful establishment of such "adult business" under this chapter shall not, by itself, create a requirement for such "adult business" to relocate more than five hundred feet from such "sensitive area" or "sensitive use. (Ord. 1150 N.S., § 3 (E), 1993)

18.48.180 Police permits for adult businesses.

No person shall cause or permit the establishment or continuation of an "adult business" unless such "adult business" shall first receive and maintain in good standing a "police permit" pursuant to Section 5.60.010 et seq. of the Municipal Code. Where a "police permit" has been denied or revoked by the city, either initially or after appeal to the city council, such "adult business" shall cease and desist operations within forty-eight hours of such final city action. (Ord. 1150 N.S. § III F, 1993)